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Human rights situation in Palestine and other occupied Arab territories

Report of the Secretary-General on human rights in the occupied Syrian Golan

Report of the Secretary-General

Summary

The present report has been prepared by the Office of the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General, pursuant to Human Rights Council resolution 22/17, adopted on 21 March 2013, in which the Council requested the Secretary-General to report to the Council at its twenty-fifth session on the implementation of the resolution.

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I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 22/17, adopted on 21 March 2013, in which the Council called upon Israel, the occupying Power, to comply with the relevant resolutions of the General Assembly, the Security Council and the Human Rights Council. The Human Rights Council recalled in particular Security Council resolution 497 (1981), in which the Security Council decided, inter alia, that the decision of Israel to impose its laws, jurisdiction and administration on the occupied Syrian Golan was null and void and without international legal effect and demanded that Israel rescind forthwith its decision.

2. The Human Rights Council also requested the Secretary-General to bring resolution 22/17 to the attention of all Governments, the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, to disseminate it as widely as possible and to report thereon to the Council at its twenty-fifth session.

II. Implementation of Human Rights Council resolution 22/17

3. On 30 September 2013, the Office of the United Nations High Commissioner for Human Rights (OHCHR), on behalf of the Secretary-General, addressed a note verbale to the Government of Israel referring to Human Rights Council resolution 22/17, requesting information on any steps taken or envisaged to be taken concerning the implementation of the said resolution. No reply was received.

4. On the same day, OHCHR, on behalf of the Secretary-General, addressed a note verbale to all permanent missions in Geneva to draw their attention to resolution 22/17 and to request the Governments of member States to provide information on any steps taken or envisaged to be taken concerning the implementation of the relevant provisions of the resolution. The Permanent Missions of the Syrian Arab Republic, of Ireland and of Cuba responded by means of notes verbales to that request.

5. In addition, OHCHR, on behalf of the Secretary-General, brought resolution 22/17 to the attention of the competent United Nations organs, specialized agencies, international and regional intergovernmental organizations and international humanitarian organizations, pursuant to the request of the Council set out in the resolution. The Permanent Delegation of the European Union responded by means of a note verbale.

6. In its note verbale dated 30 October 2013, the Syrian Arab Republic referred to the occupation of the Syrian Golan in 1967, resulting in the displacement of more than 500,000 Syrians from their homes to other parts of the Syrian territory and the destruction of their villages and farms. According to the Syrian Arab Republic, for more than four decades, Israel, the occupying Power, has tried to uproot the remaining Syrian population of the occupied Golan through systematic violations of international human rights and humanitarian law, particularly the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949). Furthermore, the Syrian Arab Republic referred to the illegal decision taken by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan and to a series of United Nations resolutions calling upon all Member States to reject any legislative and administrative measures taken by Israel, the occupying Power, based on the above-mentioned decision. The Syrian Arab Republic further mentioned that Israel continued to disparage all these resolutions and to reject their international legitimacy.

7. In its response, the Syrian Arab Republic referred to the architectural and demographic changes, land confiscation, and encouragement of thousands of Israeli settlers

to move to the occupied Syrian Golan that have been carried out by Israel, the occupying Power, in violation of international humanitarian law, particularly the Fourth Geneva Convention. According to the Syrian Arab Republic, Israel has continued to allocate confiscated Syrian-owned land to Israeli settlers and to provide them with assistance, including funds and licences to build settlements, farms, factories and tourist resorts. In its note verbale, the Syrian Arab Republic adds that products produced in the occupied Syrian Golan are misleadingly exported as Israeli products, in violation of relevant United Nations resolutions.

8. The Syrian Arab Republic condemned in the strongest terms the decision of the Israeli Knesset on 2 November 2010 to carry out a survey prior to the withdrawal of Israel from the occupied Syrian Golan and East Jerusalem, requesting 80 per cent of votes in favour. According to the Syrian Arab Republic, this constitutes a gross violation of international law and a new disparagement of the resolutions related to the occupied Syrian Golan adopted by the Security Council, the General Assembly and the Human Rights Council.

9. According to the Government of the Syrian Arab Republic, the occupying Power obliged the Syrian population of the occupied Golan to hold Israeli identity documents for assimilation purposes and in order to break the remaining link between the occupied Syrian Golan and the Syrian motherland. The Government of the Syrian Arab Republic also stated that Israel denied access to education, health and other essential services to those who did not possess such documents and mentioned that protests against these measures took place, with protestors burning Israeli identity documents. Many were reportedly arrested, unfairly sentenced and imprisoned for long periods, including in several cases for over 27 years.

10. The Syrian Arab Republic condemned in the strongest terms the brutal and inhumane treatment, including torture, to which Syrian prisoners are subjected in Israeli prisons. The Government of the Syrian Arab Republic reports that several prisoners have developed chronic diseases, particularly cancer, and that Israel, the occupying Power, would deny them treatment until the last stages of their illness and release prisoners in the last days of their lives, in order not to be held responsible for their deaths. In this regard, the Syrian Arab Republic noted that Israel rejected its repeated requests for the United Nations and the International Committee of the Red Cross to intervene to prevent the suffering of those prisoners of conscience, as well as offers to treat the sick, including at the expense of the Government of the Syrian Arab Republic. It was also mentioned that the occupying Power had disregarded the repeated calls of the Human Rights Council to release the prisoners. The Syrian Arab Republic further reiterated its call upon the United Nations to intervene to release the prisoners and to allow them to enjoy their right to freedom of opinion and expression.

11. In its note verbale, the Syrian Arab Republic also states that the Israeli occupying authorities prevented Syrian nationals from moving between the Syrian Arab Republic and the occupied Syrian Golan, including through the Quneitra crossing, noting that the international community had condemned those unlawful restrictions on the freedom of movement of Syrians between the two parts of their country. The Syrian Arab Republic further referred to the situation of students from the occupied Syrian Golan who had been offered education opportunities by their Government and faced arrest by Israel every time they returned to their homes during holidays. Those who had completed their studies were reportedly subject to further restrictions and prevented from practising their professions, such as medicine, including opening medical centres in the occupied Syrian Golan.

12. According to the Syrian Arab Republic, the practices of the Israeli occupying authorities have negatively impacted livelihoods. The Government of the Syrian Arab Republic reported that Israel prevented water for drinking and agriculture from reaching the Syrian population of the occupied Golan and that Israeli settlers continued to receive more

water than the Syrian population to the detriment of Syrian agricultural production. According to the Syrian Arab Republic, even if Syrian farmers manage to cultivate their land, they face difficulties in marketing their products. In an effort to help these farmers, the Government, in cooperation with the International Committee of the Red Cross, has facilitated the trade of apples of the occupied Syrian Golan in the Syrian Arab Republic.

13. The Syrian Arab Republic concluded by condemning the violations of civil and political rights, as well as economic, social and cultural rights affecting the Syrian population of the occupied Golan and recalled that the occupied Syrian Golan was an integral part of Syrian territory.

14. The Permanent Mission of Ireland, in its note verbale dated 7 October 2013, stressed that its Government did not recognize any of the legislative or administrative measures referred to in Human Rights Council resolution 22/17 which purport to apply in the occupied Syrian Golan.

15. On 15 November 2013, the Permanent Mission of Cuba sent a note verbale expressing full support for resolution 22/17 and calling for its prompt and strict implementation by all member States.

16. Cuba strongly condemned the "brutal" practices against Syrians held in Israeli prisons and further reiterated its serious concern about the inhumane conditions of detention of Syrians, which had a negative impact on their physical health, putting their lives in danger in clear violation of international humanitarian law.

17. Cuba also mentioned that 120 member States of the Non-Aligned Movement had expressed unconditional support and solidarity with the legitimate demand of the Syrian Arab Republic to fulfil its sovereignty over the occupied Syrian Golan, based on the Arab peace initiative and the Madrid peace process, as well as the principle of land for peace, in conformity with relevant Security Council resolutions. According to Cuba, the ongoing occupation of the Syrian Golan and its de facto annexation constitutes an obstacle to achieving fair, comprehensive and long-lasting peace in the region.

18. Cuba reiterated that all legislative and administrative measures and actions taken by Israel in the last 46 years were null and without juridical validity. Cuba also referred to attempts by Israel to modify the legal status, physical characteristics, demographic composition and institutional structure of the occupied Syrian Golan.

19. Cuba reaffirmed its view that the decision taken by Israel on 14 December 1981 in this regard and its illegal activities of construction and expansion of settlements since 1967, constituted a blatant violation of international humanitarian law, including the Fourth Geneva Convention, the Charter of the United Nations and Security Council resolution 497 (1981). Furthermore, Cuba mentioned that the confiscation of territories was non-admissible by virtue of international law. It demanded that Israel fulfil immediately and unconditionally its obligations under the Fourth Geneva Convention and all relevant United Nations resolutions pertaining to the occupied Syrian Golan.

20. In addition, Cuba called upon Israel to withdraw immediately from the Syrian Golan to the lines that existed on 4 June 1967, in compliance with Security Council resolutions 242 (1967) and 338 (1973). Cuba further noted that Israel should renounce its unrestrained attempts to take over the occupied Syrian Golan. It concluded by noting that foreign occupation, policies of expansion and aggression, the creation of settlements and of *fait accompli* on the ground and the forcible annexation of territories, are practices that violate international instruments and norms.

21. In its response dated 24 October 2013, the Permanent Delegation of the European Union referred to the conclusions of the European Union Foreign Affairs Council on the Middle East peace process of 10 December 2012, in which the Council expressed its commitment to ensuring that all agreements between the State of Israel and the European Union must – in line with international law – unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967, including the occupied Syrian Golan.[1] In its note verbale, the European Union stated that this decision was in line with its long-standing position not to recognize the sovereignty of Israel over the occupied territories or consider them to be part of Israeli territory.

[1] Council conclusions on the Middle East Peace Process, para. 4, available from http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/134140.pdf.